

Section 3000

Program Agreement

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3100 FMNP Agreements

3110 FMNP Agreement between Texas Department of Agriculture and Contracting Entity

If an organization is approved to participate in the FMNP, the CE and TDA will complete and sign the *Agreement between Texas Department of Agriculture and Contracting Entity* (FMNP Agreement) (FMNP-01). The agreement is effective upon signature by the parties and expires in accordance with its terms at the end of a three year program year cycle. This agreement provides the terms and conditions for participation in the FMNP and is a legally binding agreement between TDA and the CE. The terms and conditions relate to the following topics:

- Accountability,
- Distribution and redemption of vouchers,
- Debarment, suspension, ineligibility, or voluntary exclusion for covered contracts,
- Federal lobbying,
- Subcontracts for goods and services,
- Civil rights,
- Information technology,
- Appeals,
- Program payments

NOTE: TDA may terminate an FMNP Agreement, as provided by federal regulations, state rules, and the terms and conditions of the agreement. Additionally, the FMNP Agreement may be terminated with 30 days' notice by mutual consent or by TDA, without mutual consent, for material breach of the Agreement. If funds for the continued fulfillment of the agreement by TDA are at any time unavailable or are insufficient, through failure of any entity to appropriate funds or otherwise, then TDA has the right to terminate the agreement at no additional cost and with no penalty by giving written notice documenting the lack of funding.

After TDA has approved an FMNP Agreement, it can only be amended with TDA's consent.

If the CE owns and fully operates and controls the FMA, TDA and the CE will execute an Addendum to the FMNP Agreement (FMNP-01A).

3120 Agreements between Contracting Entity and FMA and Agreement between Farmer and FMA

If a CE is unable to fulfill one or more of the requirements identified in the FMNP Agreement, a CE may be able to enter into a written agreement with a sub-agency to fulfill these requirements. In FMNP, a sub-agency is a Farmer's Market Association (FMA). TDA provides the following agreements in FMNP:

- FMNP-02, *Farmers' Market Nutrition Program Agreement Between [CE] and [Farmers' Market Association]*.
- FMNP-03, *Farmers' Market Nutrition Program Farmer's Profile and Agreement Between [Farmer] and [Farmers' Market Association]*.

An agreement between the CE and FMA (sub-agency) is effective upon signature by the parties and expires in accordance with its terms at the end of a three year program year cycle. The agreement provides the terms and conditions for participation in the FMNP and is a legally binding agreement between the CE and FMA (sub-agency). These agreements are subject to TDA approval. TDA will approve or deny these agreements during the application process or during the program year.

Further, only farmers authorized by TDA or that have a valid agreement with an authorized farmers' market may redeem vouchers (7 CFR §248.10(b)). Farmers' markets are required to enter into a written agreement with each farmer within the market that is participating in the FMNP. TDA provides an agreement with the required terms which must be used (7 CFR §248.10(c)).

3200 Program Payments

3210 Claims for Reimbursement

TDA reimburses CEs for their actual, allowable costs as administrative funds are available, according to the terms and conditions of the FMNP Agreement. Refer to Section 4000, Managing the Program and Section 7000, *Financial Management*, for additional information.